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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/865,180
Filing Date: May 24, 2001
Appellant(s): THEODORUS VAN ESBROECK ET AL.

Catherine Hart
For Appellants

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/7/09 appealing from the Office action mailed 3/10/09.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is substantially correct. The amendment after final filed as of 4/7/09 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,196,221	DEW	4-1980
WO 93/13671	JANSSEN ET AL	7-1993
5,449,524	LUDWIG	9-1995
3,631,563	SNOWDEN	1-1972
GB 2,177,585	VINCENT ET AL	1-1987
5,668,634	NEWMAN	9-1997
4,413,279	GORL	11-1983

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), Ludwig (US 5,449,524) and Snowden (US 3,631,563).

Dew teaches an apparatus for treating meat products comprising a conveyor device (including spiraling systems; col. 5, lines 12-20) having meat product holders which are displaceable along a track to convey the meat products; at least one aqueous based flavoring (see claim 4) application or marinade station located adjacent the conveyor device, each meat product sequentially passed by the application station, and the application station comprising at least one nozzle (3) for supplying the aqueous based flavoring under pressure so as to be jetted onto the outer surface of the meat product (Fig. 1; col. 5, lines 47-56). Dew is silent concerning 1) the conveyor device including a rotary member to rotate the meat product, 2) plural sequentially

disposed application stations with at least one of the applications stations providing a different marinade than another application station, and 3) the application stations being adapted to provide via the nozzle, overlapping layers of different marinade on the meat. However, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of a conveyor device having a track with a plurality of displaceable meat holders that hold meat and rotate the meat so as to enable processing and inspection of all surfaces of the meat as evidenced by Janssen (pg. 10, lines 11-23). One of ordinary skill in the art would expect to use a rotatable conveyor arrangement as taught by Janssen in the Dew device because Dew recognizes the use of alternative conveyor systems including one that spirals and the use of a rotary conveyor would enable substantially all outer surface of the poultry or meat to be treated. Secondly, it was known in the art, at the time the invention was made, to provide plural marinade application stations to treat a conveyed meat product with one marinade station providing a different marinade than the other stations as evidenced by Ludwig (see col. 3, lines 45-49 and col. 4, lines 8-10). It would have been obvious to one of ordinary skill in the art to provide plural marinade application stations with at least one different marinade from the rest of the stations as taught by Ludwig, in the apparatus defined by the combination above in order to provide a more flavorful meat product due the incorporation of plural flavoring treatments to a single meat product. Thirdly, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of at least one oscillating nozzle to provide uniform overlapping sprays of fluid to conveyed meat (i.e., poultry) as evidenced by Snowden (See Fig. 17; col. 11, lines 6-10). It would have been obvious to one of ordinary skill in the art to provide at least one oscillating nozzle, as taught by Snowden, in the apparatus as

defined by the combination above, in order to evenly or uniformly coat the outer surface of conveyed meat with overlapping sprays of marinade.

Claims 63 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Vincent et al (GB 2,177,585).

The combined teachings of Dew, Janssen, Ludwig, and Snowden have been mentioned. Ludwig goes further to recognize use of some nozzles for different marinades wherein different marinades can be applied to different portions of a given meat product for providing a greater oil or fat content to one part (breast) of the meat as oppose to another part (leg) as evidenced by col. 3, lines 45-49. However, none teach or suggest shielding means to shield selected portions of the meat product from being sprayed with marinade. However, it was known in the art, at the time the invention was made to utilize shielding means to shield selected portions of a food product from being sprayed with a liquid coating material as evidenced by Vincent (see pg. 3, lines 22-36). As noted from the pg. 3 citation, Vincent utilizes the shielding means to provide a pattern, lettering, figuring, or pictures on the food product, such that it would have been obvious to one of ordinary skill in the art to provide shielding means in the apparatus as defined by the combination above in order to enable shielding of selected portions of the meat product from marinade sprayed thereon in a desired pattern.

With respect to claim 72, neither Dew, Janssen, Ludwig, nor Snowden teach at least one application station including means for generating gas flow with particles entrained in the gas flow. However, Vincent recognizes pressurized spraying of seasoning/flavoring in powder form

onto the food product (see pg. 2, lines 86-100 and pg. 3, lines 1-7). In light of the teachings of Vincent, it would have been obvious to one of ordinary skill in the art to provide at least one dry marinade application station including means for generating gas flow with flavored particles entrained in the gas flow in the apparatus as defined by the combination above as an alternative dry marinade application system.

Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Newman (US 5,668,634) or Gorl (US 4,413,279).

Dew, Janssen, Ludwig, and Snowden provide an apparatus for treating meat products as set forth above but none teach or suggest the use of analyzing means in the form of a camera to inspect the quality of the final meat product. However, it was known in the art, at the time the invention was made to utilize analyzing means in the form of a camera to establish the quality of processed meat product as evidenced by either Newman or Gorl (see abstracts). In light of the teachings of either Newman or Gorl, it would have been obvious to one of ordinary skill in the art to provide analyzing means in the form of a camera to determine the final quality of the processed meat products so as to determine whether further processing was required.

Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671) and Ludwig (US 5,449,524).

Dew teaches an apparatus for treating meat products comprising a conveyor device (including one to spiraling; col. 5, lines 12-20) having meat product holders which are displaceable along a track to convey the meat products; at least one aqueous based flavoring application or marinade station located adjacent the conveyor device, each meat product sequentially, passed by the application station, and the application station comprising at least one nozzle for supplying the aqueous based flavoring under pressure so as to be jetted onto the outer surface of the meat product (See Fig. 1; col. 5, lines 47-56). Dew is silent concerning 1) the conveyor device including a rotary member to rotate the meat product about a vertical axis and 2) plural application stations wherein a different marinade is used at other successive stations. However, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of a conveyor device having a track with a plurality of displaceable meat holders that hold meat and automatically rotate the meat during processing as evidenced by Janssen (col. 10, lines 11-23). One of ordinary skill in the art would expect to use a rotatable conveyor arrangement as taught by Janssen in the Dew apparatus because Dew recognizes the use of alternative conveyor systems including one that spirals and the use of a rotary conveyor would enable substantially all outer surface of the poultry or meat to be inspected and treated. Secondly, it was known in the art, at the time the invention was made, to provide plural marinade application stations to treat a conveyed meat product with the use of a different marinade at each marinade station as evidenced by Ludwig (see col. 3, lines 45-49 and col. 4, lines 8-10). It would have been obvious to one of ordinary skill in the art to provide plural marinade application stations with a different marinade used at each application station as taught by Ludwig in the apparatus defined by the combination above in order to provide a more

flavorful meat product due the incorporation of plural flavoring treatments to a single meat product. The application of a different marinade at each station of the apparatus defined by the combination above would provide for layers upon layers of different marinades that extend over and cover each conveyed meat/poultry to result in a more flavorful food product.

Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), and Ludwig (US 5,449,524) as applied to claim 77 above, and further in view of Vincent et al (GB 2,177,585).

The teachings of Dew, Janssen, and Ludwig have been mentioned above but none teach or suggest at least one application station including means for generating gas flow with particles entrained in the gas flow so as to provide a dry marinade application station whereby seasoning/flavoring in particulate form is sprayed under pressure onto to the meat product However, Vincent recognizes pressurized spraying of seasoning/flavoring in powder form onto the food product (see pg. 2, lines 86-100 and pg. 3, lines 1-7). In light of the teachings of Vincent, it would have been obvious to one of ordinary skill in the art to provide at least one dry marinade application station including means for generating gas flow with flavored particles entrained in the gas flow in the apparatus as defined by the combination above as an alternative dry marinade application system.

(10) Response to Argument

Appellants contend that the obviousness rejection of independent claim 30 under the combined teachings of Dew, Janssen, Ludwig, and Snowden should be withdrawn because the combined teachings do not suggest singly or in combination each and every element of the

structure so as to provide for a device for applying multiple coatings of different marinades in overlapping layers wherein the marinade applications stations apply marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades.

The obviousness rejection of claim 30 under the plethora of references including Dew, Janssen, Ludwig, and Snowden would appear improper or withdrawable but patentability of the instantly claimed invention is substantially unwarranted. Appellants have merely claimed known combinable coating structure to effect a system for treating meat with at least one or more different marinades via plural coating application stations. Dew establishes spray nozzle treatment of meat/poultry with a marinade (i.e., aqueous based flavoring) conveyed/transported along a track capable of spiraling or rotating (col. 5, lines 47-56). Janssen further establishes the rotation of meat/poultry on the track in transport (col. 10, lines 11-23). While Ludwig discloses plural marinade application stations with at least one different marinade from the rest of the stations, Snowden establishes the conventional wisdom in the art to use oscillating nozzles to produce overlapping spray to enhance uniformity in coating of meat/poultry. Thus, the structure of the instantly claimed invention is known and/or combinable to treat meat/poultry in an overhead conveyor arrangement. Thus, the rejection of claim 30 has been sustained.

Appellants contend that while Dew does in fact provide for any type of conveyor to be used with the meat/poultry, Dew does not teach a conveyor for holding meat/poultry which is rotatable about its vertical axis to allow the meat product to be uniformly coated with

overlapping layers of different marinades via sequentially arranged marinade application stations.

Dew alone does not provide for all such teachings but Dew alone has not been applied in the obviousness rejection. Dew sets the ground work as the primary reference to establish that spraying meat/poultry using any conventional conveyor with some type of nozzle arrangement to apply the aqueous based flavoring (i.e., marinade) is within the purview of one skilled in the art. The supplemental references to Janssen, Ludwig, and Snowden provide for additional support that the instantly claimed invention is deemed obvious for reasons already mentioned and in each instance already mentioned; the proper motivation has been supplied as required by Graham v. Deere.

Appellants contend that Ludwig teaches injection of solutions into different portions of poultry carcasses on a conveyor particularly to place greater concentrations of solution or marinade in certain regions from others (col. 2, lines 30-33) such that one of ordinary skill in the art would not be lead to provide for application of at least one different marinade at one out of many marinade application stations. Appellants insist that combining of two different application techniques is improper or borderline use of improper hindsight because the routineer in the art would deem the Dew spray technique as one application with the Ludwig injection being something totally different or non-combinable with the teachings of Dew to arrive at the instantly claimed invention. Such a combination of the teachings of Dew with Ludwig would render the prior art unsatisfactory/unsuitable as well, Ludwig teaches away from the instantly claimed invention such that the combination of Dew and Ludwig should be withdrawn.

As much as Appellants have taken from consideration of Ludwig, the Examiner has not taken such aspects from Ludwig. Ludwig establishes the fact that the routineer in the art knows that you can marinade meat/poultry with at least one different marinade when plural application stations are utilized in the processing/treatment/application to the meat/poultry. While it would appear to be common sense to handle at least poultry with two different marinades, typically a domestic engineer would take poultry to marinate or soaking in salt/seasoned water when defrosting with the later thawed chicken being further soaked or immersed in some store bought marinade and/or barbecue base to then be cooked. Ludwig in as much establishes the conventional wisdom in his patent to use at least one different marinade. Thus, the Examiner has not been convinced that marinating the poultry/meat as claimed via at least one different marinade station among many would rise to the level to overcome the cited prior art. Likewise, it would appear that the combination of the teachings of Dew with the different marinating processing at application stations as taught by Ludwig would be an obvious combination to result in a satisfactory/suitable highly seasoned/flavored meat/poultry product. In no way would Ludwig teach away from the instantly claimed invention rather than further support the notion that marinating the poultry/meat as claimed via at least one different marinade station among many is within the purview of one skilled in the art.

Appellants argue that Janssen does not clearly teach in a conveyor device for handling meat/poultry, a carrier which is fully rotatable about its vertical axis in light of the discussion of Janssen on page 5, lines 21-22 and page 6, line 37-page 7, line 8.

However Appellants have read cited portions of the Janssen specification, Janssen (pg. 10, lines 11-23) provides sufficient evidence that one skilled in the art would know how to hang

meat/poultry from a holder supported on a track in a conveyor system so as to enable rotation of the meat/poultry with respect to a vertical axis defined by the holder support. The idea that Janssen teaches otherwise would be mischaracterization of the Janssen reference.

Appellants contend that Snowden does not teach overlapping spray and teaches away from a uniform spray because of processing steps Snowden utilizes with the suspended meat/poultry (col. 2, lines 70-75, col. 5, lines 2-7, and col. 8, lines 1-4).

In response to this argument, Appellants should recognize Snowden as being a supplemental reference used to teach that the routineer in the art knows use of the overlapping spray technique in processing meat/poultry and such is made possible via oscillating nozzles. One of ordinary skill in the art would be motivated to use overlapping spray as taught by Snowden (col. 11, lines 6-10) in the apparatus as defined by the combination to Dew, Janssen, and Ludwig for the advantage of providing more uniformity in coating of the suspended meat/poultry when using a spray application of the marinade to the meat/poultry.

Appellants contend that the Examiner improperly applied the teaching of Snowden with Dew, Ludwig, and Janssen because the Examiner did not provide teaching on how uniformity would result.

This argument is deemed moot because the Examiner is not required to tell how uniformity results but merely must establish or provide evidence to the fact that the routineer in the art (i.e., an engineer) would know that uniformity in coating can be established via use of an overlapping spray nozzle arrangement which according to Snowden, can be achieved via use of oscillating nozzles (col. 11, lines 6-10). Thus, the Examiner does not provide test results via

scientific experimentation to make final decisions on patentability as the Examiner is significantly limited in examination time.

Appellants contend that in view of claims 63 and 72, Vincent's shielding means does not cure the deficiencies of Dew, Janssen, Ludwig, and Snowden to provide a device wherein the marinade applications stations apply marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades.

In response, the teachings of Dew, Janssen, Ludwig, and Snowden already provide for an apparatus comprising marinade applications stations applying marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades. Vincent, a supplemental reference establishes the conventional wisdom in the art to use shielding or masking means (see pg. 3, lines 22- 36) to provide a pattern, lettering, figuring, or pictures on the food product. As such, one of ordinary skill in the art would readily appreciate using the Vincent shielding means in the apparatus as defined by the combination above in order to enable shielding of selected portions of the meat product from marinade sprayed thereon in a desired pattern.

As for claims 64 and 65, Appellants contend that the 103 rejection including the teachings of either Newman or Gorl with those of Dew, Janssen, Ludwig, and Snowden should be withdrawn because neither Newman nor Gorl make up for the deficiencies of Dew, Janssen, Ludwig, Snowden to provide for a device wherein the marinade applications stations apply marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis

by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades.

In response, the teachings of Dew, Janssen, Ludwig, and Snowden already provide for an apparatus comprising marinade applications stations applying marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades. Both Newman and Gorl, supplemental references disclose the conventional wisdom in the art to use utilize analyzing means in the form of a camera to establish the quality of processed meat product (see abstracts). As such, one of ordinary skill in the art would readily appreciate using the analyzing means of either Newman or Gorl in the apparatus as defined by the combination above in order to determine the final quality of the processed meat products so as to determine whether further processing is necessary.

Appellants contend that the obviousness rejection of independent claim 77 under the combined teachings of Dew, Janssen, and Ludwig should be withdrawn because the combined teachings do not suggest a device wherein the marinade application stations are adapted to apply marinade onto a meat product conveyed by the conveyor device and rotated about the vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades.

In response to this contention, Appellants should realize that the Examiner has read claim 77 differently and distinctly as requiring structure from element "c" to result in successive application of different marinades to an outer surface of the meat product such that the combined teachings of Dew, Janssen, and Ludwig would provide for structure such that one marinade

would be applied at a first application station and then a different marinade would be applied at each subsequent application station. Thus, the obviousness rejection of claim 77 under Dew, Janssen, and Ludwig would appear proper and patentability of the instantly claimed invention remains unwarranted. Appellants have merely claimed known combinable coating structure to effect a system for treating meat with different marinades via plural coating application stations. Dew establishes spray nozzle treatment of meat/poultry with a marinade (i.e., aqueous based flavoring) conveyed/transported along a track/track capable of spiraling or rotating (col. 5, lines 47-56). Janssen further establishes the rotation of meat/poultry on the track in transport (col. 10, lines 11-23). While Ludwig discloses plural marinade application stations with a different marinade (marinade A then marinade B) used at each station with the apparatus as defined by the combination above, layers upon layers (overlapping) of different marinades would be sprayed upon the meat/poultry so as to provide a more flavorful food product. The structure of the instantly claimed invention is known or at least capable of being combined in order to treat meat/poultry. Thus, the rejection of claim 77 has been sustained.

Appellants contend similar arguments with respect to Dew as applied to claim 30 now as applied to claim 77. Appellants contend that while Dew does in fact provide for any type of conveyor to be used with the meat/poultry, Dew does not teach a conveyor for holding meat/poultry which is rotatable about its vertical axis to allow the meat product to be uniformly coated with overlapping layers of different marinades via sequentially arranged marinade application stations. Dew rather allows for the spray of two sides of the meat product with a spray arrangement disposed on both sides of the suspended meat.

In response, Dew alone does not provide for all such teachings but Dew alone has not been applied in the obviousness rejection. Dew sets the ground work as the primary reference to establish that spraying meat/poultry using any conventional conveyor with some type of nozzle arrangement to apply the aqueous based flavoring (i.e., marinade) is within the purview of one skilled in the art. The supplemental references to Janssen and Ludwig provide for additional support that the instantly claimed invention is deemed obvious for reasons already mentioned and the proper motivation has been supplied as required by Graham v. Deere.

Applicants contend that Dew does not provide for uniform coating of layers or use of plural application stations positioned one after another with different marinades.

These arguments are not deemed persuasive to define the instantly claimed invention over the applied prior art to Dew, Janssen, and Ludwig. Dew provides for a tunnel (1) in which the walls include sprayer nozzles (3) which can be disposed at suitable positions (col. 5, lines 47-50) thus enabling the outer surface of the meat product to be fully covered by the applied marinade or aqueous based flavoring. One of ordinary skill in the art would expect that appropriate positioning of the nozzles relative to the meat product would enable uniformity in coating of the meat product. As for the plural application stations with one after another applying a different marinade, Ludwig provides evidence of the fact that the routineer in the art knows of applying marinade A and in the next station, marinade B, with both being different. The mere arrangement of plural spray application stations using a different marinade at each station is deemed to be within the purview of one skilled in the art.

Appellants contend that Ludwig teaches injection of solutions into different portions of poultry carcasses on a conveyor particularly to place greater concentrations of solution or

marinade in certain regions from others (col. 2, lines 30-33) such that one of ordinary skill in the art would not be lead to provide for application of different marinades at the marinade application stations. Appellants insist that combining of two different application techniques is improper or borderline use of improper hindsight because the routineer in the art would deem the Dew spray technique as one application with the Ludwig injection being something totally different or non-combinable with the teachings of Dew to arrive at the instantly claimed invention. Such a combination of the teachings of Dew with Ludwig would render the prior art unsatisfactory/unsuitable as well, Ludwig teaches away from the instantly claimed invention such that the combination of Dew and Ludwig should be withdrawn.

As much as Appellants have taken from consideration of Ludwig, the Examiner has not taken such aspects from Ludwig. Ludwig establishes that fact that the routineer in the art knows that you can marinade meat/poultry with a different marinade at different in the processing/treatment/application to the meat/poultry. While it would appear to be common sense to handle at least poultry with two different marinades, Ludwig in as much establishes the conventional wisdom in his patent to two different marinades. Thus, the Examiner has not been convinced that marinating the poultry/meat as claimed via a different marinade at a different station among many would rise to the level to overcome the cited prior art. Likewise, it would appear that the combination of the teachings of Dew with the different marinating processing at application stations as taught by Ludwig would be an obvious combination to result in a satisfactory/suitable highly seasoned/flavored meat/poultry product. In no way does Ludwig teach away from the instantly claimed invention rather than further support the notion that

marinating poultry/meat as claimed via a different marinade at a different application station would be within the purview of one skilled in the art.

Appellants argue that Janssen does not clearly teach in a conveyor device for handling meat/poultry a carrier which is fully rotatable about its vertical axis in light of the discussion of Janssen on page 5, lines 21-22 and page 6, line 37-page 7, line 8.

However, as mentioned previously, Appellants misread the cited portions of the Janssen specification. Janssen (pg. 10, lines 11-23) clearly provides sufficient evidence that one skilled in the art would know to hang meat/poultry from a holder supported on a track in a conveyor system so as to enable rotation of the meat/poultry with respect to a vertical axis defined by the holder support. There is no uncertainty to this detail.

Appellants contend that Janssen does not provide any teaching of marinade being applied to allow the meat product to be uniformly coated with overlapping layers of different marinades.

In response, Janssen alone does not provide for the basis of the obviousness rejection. 103. Dew along with Janssen, and Ludwig provide the basis for the rejection. For reasons mentioned above, the combined teachings of Dew, Janssen, and Ludwig would provide for an apparatus as instantly claimed because Dew establishes spray nozzle treatment of meat/poultry with a marinade (i.e., aqueous based flavoring) conveyed/transported along a track/track capable of spiraling or rotating (col. 5, lines 47-56). Janssen further establishes the rotation of meat/poultry on the track in transport (col. 10, lines 11-23). While Ludwig discloses plural marinade application stations with a different marinade (marinade A then marinade B) used at each station with the apparatus as defined by the combination above, layers upon layers

(overlapping) of different marinades would be sprayed upon the meat/poultry so as to provide a more flavorful food product.

Appellants contend that with respect to claim 78, Vincent does not cure the deficiencies of Dew, Janssen, and Ludwig to provide a device wherein the marinade applications stations apply marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades.

In response, the teachings of Dew, Janssen, and Ludwig have already been provided such that the combined teachings do provide for an apparatus comprising marinade applications stations applying marinade onto the meat product conveyed by a conveyor device and rotated about a vertical axis by the meat product holder to uniformly coat the outer surface of the meat product with overlapping layers of different marinades. Vincent, a supplemental reference establishes the conventional wisdom in the art to use pressurized spray of seasoning/flavoring in powder form onto the food product (see pg. 2, lines 86-100 and pg. 3, lines 1-7). In light of the teachings of Vincent, one skilled in the art would be provide at least one dry marinade application station including means for generating gas flow with flavored particles entrained in the gas flow in the apparatus as defined by the combination above as an alternative dry marinade application system. One skilled in the art would readily appreciate the dry application of seasoning to provide for more flavoring to the meat product but provide less weight to the end meat product which would reduce cost in the shipping of the end meat product.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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